

Appl. No. : 10/566,538
Filed : May 20, 2006

AMENDMENTS TO THE DRAWINGS

Applicant requests to amend FIGS. 7-8 for clarification and correcting clerical errors.

In FIG. 7, reference number (110) has been added. Support can be found on page 10 lines 20-21, for example.

In FIG. 8, reference numbers (207), (208), and (216) are in error and have been replaced with (220), (212), and (207), respectively. Support can be found in the paragraph on page 8 beginning line 15, for example. Reference numbers (206) and (208) have been added. Support can be found in the paragraph on page 8 beginning line 15, for example.

Further, Applicant requests to include a legend "Prior Art" in FIG. 8 and FIG. 9 because these drawings illustrate conventional structures.

No new matter has been added. Approval of this amendment is respectfully requested. A "Replacement Sheet" of drawings being amended can be found in the Appendix.

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REMARKS

The Specification has been amended for clarification. Reference numbers (218) and (120) have been deleted because these numbers are not used in the drawings (see Figs 6 and 8, for example). Reference number (111) has been added because the number (111) is used in Fig.6. Reference number (109') has been replaced with reference number (109) to be consistent with Fig. 7. The title has been amended to make it more descriptive and indicative. The abstract has been rewritten in the proper language and format. The drawings have been amended as requested above. Claim 2 has been amended for clarification. The subject matter of claims 6 and 7 has been incorporated into claim 5, and claims 6 and 7 have been canceled. Accordingly, claim 8 has been amended to depend from claim 5. Claims 13-14 have been added. Support can be found on page 11 line 27 through page 12 line 2 and FIGS.4-5, for example.

No new matter has been raised in the amendments. Applicant respectfully requests entry of the amendments and reconsideration of the application in view of the amendments and the following remarks.

Information Disclosure Statement

The references indicated in the specification are now included in an information disclosure statement (IDS) for consideration by the Examiner. Also, additional references are included in the IDS for consideration by the Examiner.

Declaration

The Examiner states that the declaration is defective because it does not identify the citizenship of each inventor. According to PAIR, the recorded declaration shows that the citizenship of the first inventor in the filed declaration is correctly identified. However, the second page of the declaration indicating the second inventor is missing for unknown reasons. Thus, the declaration is re-submitted with this paper, which identifies the two inventors and their citizenship correctly.

Drawings

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The drawings are objected to under 37 CFR 1.83 (a) because they fail to show grip (206), hair-sandwiching arm (207), temperature selector (220), affixing part (110), heat-source plate (115) and temperature selector switch (120) as described in the specification.

Figure 8 has been amended to replace reference numbers (207), (208), and (216) with (220), (212), and (207), respectively. Support can be found in the paragraph on page 8 beginning line 15, for example. Reference numbers (206) and (208) have been added to FIG.8. Support can be found in the paragraph on page 8 beginning line 15, for example. Reference number (110) has been added to FIG.7. Support can be found on page 10 lines 20-21, for example.

The drawings have been objected to as failing to comply with 37 CFR 1.84 (p)(4). The Examiner states that reference numbers "109" and "109'" have both been used to designate the second gasket. In any of the drawings, reference number "109'" is not used. Reference number "109'" in the specification has been replaced with "109".

FIG.8 and FIG.9 have been objected to as failing to indicate -Prior Art-. Changes have been made to state "Prior Art" in FIG.8 and FIG.9.

The drawings have been objected as failing to comply with 37 CFR 1.84 (p)(5). The Examiner states that the drawings include the reference numbers (109) and (111), which are not mentioned in the description. The specification has been amended to describe reference numbers (109) and (111). Reference number (111) has been inserted in the paragraph beginning at page 10, line 12. Reference number (109") has been replaced with (109) in the paragraph beginning at page 11, line 13.

In view of the foregoing, Applicant respectfully request withdrawal of the objections.

Specification

The abstract has been objected to as being improper contents, improper language and improper format. The abstract has been amended to state concise technical disclosure in narrative form and within the range of 50 to 150 words.

The title has been objected as being not descriptive. The title has been amended to "A V-Shaped Sandwich-Type Hair Iron with Gasket", which clearly indicate structural features of the claimed hair iron.

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Claim Objection

Claim 2 has been objected because of the informalities set forth in the Office Action. The Examiner states that "a gasket" should read --a second gasket-- to not interfere with the initial "gasket" recited in claim 1. In light of the Examiner's note, the word "a gasket" has been changed to --another gasket-- to differentiate it from the gasket recited in claim 1, thereby obviating this objection.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Okumoto et al. (US6,173,718) in view of Van Dyck et al.(US4,101,757). Claims 1 and 5 are independent, and Claim 5 has been amended to incorporate the subject matter of claims 6 and 7.

Claim 1 recites: **"tapered portions are provided in a base, on the void space side, of each heating plate and a gasket is fitted in gaps formed by the tapered portions** in order to improve steam cutoff property of the void space and also facilitate disassembly and assembly".

In contrast, in Okumoto, the tapered portion (grooves 20) is not provided in a base of the heating plate but provided in a shielding member. The Examiner states: "Okumoto et al. disclose a hair iron of V-shaped, hair-sandwiching type, comprising *** a tapered portion (grooves 20; column 4, lines 64-67; see Figures 4a, 4b) being provided in the base." Clearly, the Examiner errors in interpreting that the tapered portion is provided in the base of the heating plate. The heating plate of Okumoto does not have a tapered portion.

Further, the only base for asserting that the groove is tapered is Fig. 4b of Okumoto. Okumoto does not state that the groove (20) is tapered and does not recognize the significance of the tapered portion especially in combination with a gasket. Importantly, as described above, in Okumoto, the "tapered" portion is provided in the shielding member not in the heating plate.

Furthermore, the Examiner states: "[Okumoto et al. disclose] the heating plate having a groove in the outer periphery of the hair sandwiching arm (see Figures 4a, 4b, 10b)." However, the heating plate of Okumoto does not have a groove. The word "groove" means "a long, narrow furrow or hollow formed on or cut or worn into a surface" (Webster's New World Dictionary, Modern Desk Edition). The heating plate of Okumoto has a step (18a), but the step (18a) cannot be construed as a groove according to the plain meaning of groove. Further, claim 1 recites

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“gaps formed by the tapered portions”. The word “gap” means “a hole or opening made by breaking or parting” (*Id.*). The heating plate of Okumoto has no gap in which a gasket is fitted. The step (18a) can hardly be construed as a gap.

Van Dyck is irrelevant to the above structures. Thus, clearly, not all of the elements of claim 1 are not taught or suggested by Okumoto and Van Dyck, and claim 1 cannot be *prima facie* obvious over Okumoto and Van Dyck, alone or combined.

Further, in the claimed invention, because a gasket is fitted in the gap having a tapered portion of the heating plate, when the shielding member is attached to the heating plate, the gasket can be highly secured in the gap and tight seal can be accomplished (see Fig. 4, for example). The tapered portion of the heating plate can promote a wedging function to effectively press the gasket when assembled. Furthermore, because the gasket is fitted in the gap, assembly and disassembly is easy. The above features are not taught or suggested by Okumoto or Van Dyck. For the above additional reasons, claim 1 cannot be obvious over Okumoto and Van Dyck, alone or combined.

Claims 2-4 depend ultimately from claim 1, and at least for this reason, the claims also cannot be obvious over Okumoto and Van Dyck.

Claim 5 recites: “each connecting portion of the heating plate has a groove in which the outer periphery of the hair-sandwiching arm is fitted together with the gasket, and the groove has a surface tapered in a direction of placing force toward the gasket when the outer periphery of the hair-sandwiching arm is connected to the groove”.

Similar to claim 1, claim 5 as amended herein recites the limitations that are not disclosed in Okumoto. Okumoto fails to disclose a heating plate having a groove, a gasket fitted in the groove, and a tapered surface in a direction of placing force toward the gasket. Van Dyck also fails to disclose a heating plate having a groove and a tapered surface in a direction of placing force toward the gasket. Thus, as with claim 1, claim 5 cannot be obvious over Okumoto and Van Dyck, alone or combined. Claims 8-12 depend ultimately from claim 5, and at least for this reason, the claims also cannot be obvious over Okumoto and Van Dyck.

Claim Rejections Under 35 U.S.C. § 103

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Claim 11 has been rejected under 35 U.S.C. § 103 (a) as being unpatentable over Okumoto et al. (US6,173,718) in view of Van Dyck et al.(US4,101,757) and Thompson et al. (US5,783,800).

Claim 11 is dependent upon claim 5. Claim 11 include all the limitations recited in claim 5 which cannot be obvious over Okumoto and Van Dyck as described above. At least for this reason, claim 11 also cannot be obvious.

Claim 12

In the present Office Action, claim 12 was not considered. Office Action Summary shows that only claims 1-11 have been examined.

However, claim 12 is a dependent claim, which depends from claim 5. Claim 12 include all the limitations recited in claims 5 which cannot be obvious over Okumoto and Van Dyck as described above. At least for this reason, claim 12 also cannot be obvious.

New claims

Claims 13-14 have been added. Claims 13-14 are dependent upon claims 1 and 5, respectively. At least for this reason, as with claims 1 and 5, claims 13-14 cannot be obvious over the prior art. Further, when the tapered surfaces of the gap and the convex part are engaged with each other as recited in claims 13 and 14, tight seal between the heating plate and the shielding member can be further improved. The convex part functions as a wedge. This feature is not taught or suggested by the prior art.

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CONCLUSION

In light of the Applicant's amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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